

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DE'ANDRE J. COTHRAN**

**APPELLANT,**

**v.  
STATE OF MISSOURI**

**RESPONDENT.**

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DOCKET NUMBER WD76244

DATE: July 15, 2014

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Appeal From:

Jackson County Circuit Court  
The Honorable Sandra Midkiff, Judge

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Appellate Judges:

Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and Wayne P. Strothmann, Special Judge

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Attorneys:

Susan L. Hogan, Kansas City, MO, for appellant.

Dora A. Fichter, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**DE'ANDRE J. COTHAN,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI,**

**RESPONDENT.**

No. WD76244

Jackson County

Before Division Four: Alok Ahuja, Chief Judge, Presiding, Cynthia L. Martin, Judge and Wayne P. Strothmann, Special Judge

De'Andre Cothran appeals the motion court's denial of his Rule 29.15 motion. Cothran claims that the motion court erred in denying his motion because he established that trial counsel provided ineffective assistance of counsel by failing to move to suppress out-of-court and in-court identifications.

**AFFIRMED.**

The evidence viewed in the light most favorable to the verdict does not support a conclusion that Cothran was prejudiced by trial counsel's failure to move to suppress the identification testimony. Neither the conduct of the police, nor the procedures employed, were unduly suggestive, even though Cothran was identified while in handcuffs and after the police had told the witnesses that someone was in custody. The evidence also demonstrated that the identification testimony was reliable. Additionally, regardless of the admission of the identification testimony, the result of the trial would have likely been the same because the remaining evidence establishing Cothran's guilt was overwhelming.

Opinion by Cynthia L. Martin, Judge

July 15, 2014

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